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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

South Africa:* draft resolution

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 60/144 of 16 December 2005, in which it reiterated its firm commitment to continue its global efforts towards the total elimination of the scourges of racism, racial discrimination, xenophobia and related intolerance, and towards the effective and comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action,

Recalling also its resolution 59/177 of 20 December 2004, in which it firmly consolidated the global drive for the total elimination of racism, racial discrimination, xenophobia and related intolerance and recognized the absolute necessity and the imperative nature of the political will for the achievement of the commitments undertaken in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001,[1]

Recalling further its resolution 58/160 of 22 December 2003, in which it decided to place emphasis on the concrete implementation of the Durban Declaration and Programme of Action as a solid foundation for a broad-based consensus for further actions and initiatives towards the total elimination of the scourge of racism,

* On behalf of the States Members of the United Nations that are members of the Group of 77 and China.

[1] See A/CONF.189/12 and Corr.1, chap. I.

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Recalling its resolution 57/195 of 18 December 2002, in which it outlined the important roles and responsibilities of the various organs of the United Nations and other stakeholders at the international, regional and national levels, including, in particular, the Commission on Human Rights, and its resolution 56/266 of 27 March 2002, in which it endorsed the Durban Declaration and Programme of Action as constituting a solid foundation for further action and initiatives towards the total elimination of the scourge of racism,

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Welcoming Human Rights Council resolution 1/5 of 29 June 2006 entitled "Intergovernmental Working Group of the Durban Declaration and Programme of Action",

Taking note of Commission on Human Rights resolutions 2002/68 of 25 April 2002,[2] 2003/30 of 23 April 2003,[3] 2004/88 of 22 April 2004[4] and 2005/64 of 20 April 2005,[5] by which the international community put into effect mechanisms for the effective implementation of the Durban Declaration and Programme of Action,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels for the successful implementation of the Durban Programme of Action,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in

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[2] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[3] Ibid., *2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[4] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Welcoming the interim report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[6]

Taking note of the report of the Secretary-General,[7]

I
Basic general principles

1. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

2. *Expresses its profound concern about and its unequivocal condemnation* of all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

3. *Expresses deep concern* at recent attempts to establish hierarchies among emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address these scourges with the same emphasis and vigour with a view to preventing this practice and protecting victims;

4. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

5. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

6. *Recognizes also* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent, or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status;

7. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

8. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such

[6] A/61/335.
[7] A/61/337.

motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

9. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

10. *Condemns* the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and calls upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they have undertaken under the Durban Declaration and Programme of Action,[1] in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression;

11. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for foreign cultures, civilizations, religions, peoples and countries;

12. *Stresses* the responsibility of States to mainstream a gender perspective in the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

13. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[8] are of paramount importance for the promotion of equality and non-discrimination in the world;

14. *Reiterates* the call made by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in paragraph 75 of the Durban Programme of Action,[1] to achieve universal ratification of the Convention by 2005 and for all States to consider making the declaration envisaged under article 14 of the Convention, and endorses the grave concern expressed by the Commission on Human Rights in its resolution 2005/64[5] to the effect that, with one hundred and seventy ratifications and only forty-six declarations, the deadline for universal ratification decided by the Conference has, regrettably, not been realized;

15. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain and issue regular updates on its website of a list of countries that have not yet ratified the Convention and to encourage such countries to ratify it at the earliest;

16. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impedes the effectiveness of the Committee, makes a strong appeal to all States parties to the

[8] Resolution 2106 A (XX), annex.

Convention to comply with their treaty obligations and reaffirms the importance of the provision of technical assistance to the requesting countries in the preparation of their reports to the Committee on the Elimination of Racial Discrimination;

17. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention, on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

18. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[9] and article 5 of the Convention;

19. *Reaffirms* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

20. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;[10]

III
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

21. *Acknowledges* that the outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance is on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

22. *Also acknowledges* that the World Conference, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

23. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action;[1]

24. *Also emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the achievement of the objectives of the Durban Declaration and Programme of Action;

25. *Welcomes* the steps taken by numerous Governments, in particular the elaboration and implementation of national action plans to combat racism, racial discrimination, xenophobia and related intolerance, and steps taken by national

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[9] Resolution 217 A (III).

[10] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 18* (A/57/18), chap. XI.

human rights institutions and non-governmental organizations, towards the full implementation of the Durban Declaration and Programme of Action, and affirms this trend as a demonstration of commitment for the elimination of all scourges of racism at the national level;

26. *Calls upon* all States that have not yet elaborated their national action plans on the combating of racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference;

27. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

28. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

29. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in assisting States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

30. *Decides* that the General Assembly, through its role in policy formulation, the Economic and Social Council, through its role in overall guidance and coordination, in accordance with their respective roles under the Charter of the United Nations and Assembly resolution 50/227 of 24 May 1996, and the Human Rights Council shall constitute a three-tiered intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

31. *Stresses and reaffirms* its role as the highest intergovernmental mechanism for the formulation and appraisal of policy on matters related to the economic, social and related fields, in accordance with Chapter IX of the Charter, including in the comprehensive implementation of and follow-up to the goals and targets set at all the major United Nations conferences, summits and special sessions;

32. *Decides* to convene by no later than 2009, the Durban Review Conference on the implementation of the Durban Declaration and Programme of Action and to this end requests the Human Rights Council to act as a preparatory committee for the event; to formulate a concrete plan by 2007 for the review conference; and to provide regular updates and reports to both the Secretary-General and the General Assembly;

33. *Reaffirms* that the Human Rights Council shall have a central role in the monitoring of the implementation of the Durban Declaration and Programme of Action within the United Nations system and in advising the General Assembly thereon;

34. *Expresses its appreciation* for the continuing work in follow-up to the World Conference, undertaken by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Group of Independent Eminent Experts and the Working Group of Experts on People of African Descent;

35. *Welcomes* the identification and/or the consideration by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, during its fourth session, of substantive and procedural gaps in the international instruments to combat racism, racial discrimination, xenophobia and related intolerance and, to this end, requests the Intergovernmental Working Group to continue its work and draft a base document for the Human Rights Council to prepare complementary international standards;

36. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the necessary political will required for the successful implementation of the Declaration and Programme of Action;

37. *Requests* the Secretary-General to provide the necessary resources for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent and the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action;

38. *Expresses its concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

39. *Invites*, in this context, the Fédération internationale de football association, in connection with the 2010 soccer World Cup tournament to be held in South Africa, to consider introducing a visible theme on non-racism in football, and requests the Secretary-General to bring this invitation to the attention of the Fédération and to bring the issue of racism in sport to the attention of other relevant international sporting bodies and, in this regard, appreciates the joint efforts of the Government of Germany, of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance and of the Secretary-General during the 2006 World Cup;

IV
Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and follow-up to his visits

40. *Expresses its full support and appreciation* for the work of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages its continuation;

41. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States

to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

42. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia and religious intolerance in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

43. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

44. *Urges* the United Nations High Commissioner for Human Rights to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

45. *Requests* the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixty-second session;

46. *Takes note* of the recommendations contained in the interim report of the Special Rapporteur,[6] and urges Member States and other relevant stakeholders to consider implementing those recommendations;

47. *Requests* the Special Rapporteur to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights by national or ethnic, religious and linguistic minorities, immigrant populations, asylum-seekers and refugees;

48. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

V
General

49. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixty-second session;

50. *Decides* to remain seized of this important matter at its sixty-second session under the item entitled "Elimination of racism and racial discrimination".